

more movement on the part of the Congress, and I hope fervently that we get it before this next continuing resolution expires.

Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself the balance of my time.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, I have heard all of this lamentation by my friends in the minority who decry the fact that we have not passed their agenda. Well, I am sorry. Such are the trials and tribulations of the minority.

No, we did not want to pass the tobacco taxes because we did not think that "Joe Six-Pack" should pay any more taxes. We do not want to pass any more taxes. We passed a tax cut in this House of Representatives over the objections of most of my friends on the Democratic side, and the President threatened to veto it, and we have no tax cut. But America is still taxed as highly today as it has since World War II.

I know that the President has said he would like to fix broken schools, and that is a fine objective. I appreciate that. But 95 percent of the education budget has been picked up by the States throughout the history of this country. In fact, up until 30 years ago, 100 percent of the education budget was picked up by the States. Once one starts getting the Federal Government involved in the building of schools, there is no end to it, and the taxpayer is already overburdened.

The money does not just grow on trees. The money has got to come from somewhere, and it is a tremendous cost.

Next, there is the phony campaign finance law that the Democrats are always lamenting. I will only say that most of the campaign violations that are being investigated of existing law did not happen at the Republican National Committee. They happened elsewhere.

The provision of 100,000 teachers is an authorization bill. That is not an appropriations bill. We are talking about wrapping up the appropriations process, and that particularly concerns me because the President has all of these great ideas that he came out with for lots of extra spending, billions and billions of dollars in extra spending, back in February, notwithstanding his agreement to balance the budget. Frankly, then he went on a sabbatical and did not try to push his authorization bills, his changes of policy through the authorization process. That bill is not an appropriations bill. It is a policy change that should go through the authorization process, and it has not.

So here we stand today simply debating whether or not to keep the government open. It is our hope that the government will remain open, that we will pass this continuing resolution to

allow us to complete our business for another 2 days, and then we can close up shop.

The fact that we have debated, over the last hour, the failure of the budget process is of no real moment in this debate. It has nothing to do with why we are here. The whereabouts of the President, I have to concede, is not really our concern. The vagaries of the congressional schedule is not of any great relevance to what we are doing here.

The people that come here and lament the passage of these various bills, they shed great tears that are merely wasted water. All we are trying to do is keep the government open, nothing more and nothing less.

For those Members who lament the slow progress of the government, do they want to see whether or not we are actually doing things? Walk over there to the appropriations office, H-218, and they will see lots and lots and lots of bills that have nothing whatsoever to do with the appropriations process, but which Members, Republican and Democrat alike, would like to get in in these last few hours in this omnibus package.

I dare say they will have to wait for another day. Some of them will get through, but the main issue, the reason we are here about today, is to keep the government open and to finish our business and to take all of these grand plans that Members might have and bring them back next year. Because Congress will open in the 106th Congress on January 6, and the world will move on.

The SPEAKER pro tempore (Mr. BASS). All time has expired.

The joint resolution is considered as read for amendment.

Pursuant to the order of the House of today, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

#### MICCOSUKEE RESERVED AREA ACT

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3055) to deem the activities of the Miccosukee Tribe of the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3055

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Miccosukee Reserved Area Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Since 1964, the Miccosukee Tribe of Indians of Florida have lived and governed their own affairs on a strip of land on the northern edge of the Everglades National Park pursuant to permits from the National Park Service and other legal authority. The current permit expires in 2014.

(2) Since the commencement of the Tribe's permitted use and occupancy of the Special Use Permit Area, the Tribe's membership has grown, as have the needs and desires of the Tribe and its members for modern housing, governmental and administrative facilities, schools and cultural amenities, and related structures.

(3) The United States, the State of Florida, the Miccosukee Tribe, and the Seminole Tribe of Florida are participating in a major intergovernmental effort to restore the South Florida ecosystem, including the restoration of the environment of the Park.

(4) The Special Use Permit Area is located within the northern boundary of the Park, which is critical to the protection and restoration of the Everglades, as well as to the cultural values of the Miccosukee Tribe.

(5) The interests of both the Miccosukee Tribe and the United States would be enhanced by a further delineation of the rights and obligations of each with respect to the Special Use Permit Area and to the Park as a whole.

(6) The amount and location of land allocated to the Tribe fulfills the purposes of the Park.

(7) The use of the Miccosukee Reserved Area by the Miccosukee Tribe does not constitute an abandonment of the Park.

#### SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To replace the special use permit with a legal framework under which the Tribe can live permanently and govern the Tribe's own affairs in a modern community within the Park.

(2) To protect the Park outside the boundaries of the Miccosukee Reserved Area from adverse effects of structures or activities within that area, and to support restoration of the South Florida ecosystem, including restoring the environment of the Park.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) EVERGLADES.—The term "Everglades" means the areas within the Florida Water Conservation Areas, Everglades National Park, and Big Cypress National Preserve.

(3) FEDERAL AGENCY.—The term "Federal agency" means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(4) MICCOSUKEE RESERVED AREA; MRA.—

(A) IN GENERAL.—The term "Miccosukee Reserved Area" or "MRA" means, notwithstanding any other provision of law and subject to the limitations specified in section 6(d) of this Act, the portion of the Everglades National Park described in subparagraph (B) that is depicted on the map entitled "Miccosukee Reserved Area" numbered NPS-160/41.038, and dated September 30, 1998, copies of which shall be kept available for public inspection in the offices of the National Park Service, Department of the Interior, and shall be filed with appropriate officers of Miami-Dade County and the Miccosukee Tribe of Indians of Florida.

(B) DESCRIPTION.—The description of the lands referred to in subparagraph (A) is as follows: "Beginning at the western boundary of Everglades National Park at the west line of sec. 20, T. 54 S., R. 35 E., thence E. following the Northern boundary of said Park in T.

54 S., Rs. 35 and 36 E., to a point in sec. 19, T. 54 S., R. 36 E., 500 feet west of the existing road known as Seven Mile Road, thence 500 feet south from said point, thence west paralleling the Park boundary for 3,200 feet, thence south for 600 feet, thence west, paralleling the Park boundary to the west line of sec. 20, T. 54 S., R. 35 E., thence N. 1,100 feet to the point of beginning."

(5) **PARK.**—The term "Park" means the Everglades National Park, including any additions to that Park.

(6) **PERMIT.**—The term "permit", unless otherwise specified, means any federally issued permit, license, certificate of public convenience and necessity, or other permission of any kind.

(7) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior or the designee of the Secretary.

(8) **SOUTH FLORIDA ECOSYSTEM.**—The term "South Florida ecosystem" has the meaning given that term in section 528(a)(4) of the Water Resources Development Act of 1996 (Public Law 104-303).

(9) **SPECIAL USE PERMIT AREA.**—The term "special use permit area" means the area of 333.3 acres on the northern boundary of the Park reserved for the use, occupancy, and governance of the Tribe under a special use permit before the date of enactment of this Act.

(10) **TRIBE.**—The term "Tribe", unless otherwise specified, means the Miccosukee Tribe of Indians of Florida, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and recognized by the State of Florida pursuant to chapter 285, Florida Statutes.

(11) **TRIBAL.**—The term "tribal" means of or pertaining to the Miccosukee Tribe of Indians of Florida.

(12) **TRIBAL CHAIRMAN.**—The term "tribal chairman" means the duly elected chairman of the Miccosukee Tribe of Indians of Florida, or the designee of that chairman.

## SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE MICCOSUKEE RESERVED AREA.

(a) **SPECIAL USE PERMIT TERMINATED.**—

(1) **TERMINATION.**—The special use permit dated February 1, 1973, issued by the Secretary to the Tribe, and any amendments to that permit, are terminated.

(2) **EXPANSION OF SPECIAL USE PERMIT AREA.**—The geographical area contained in the former special use permit area referred to in paragraph (1) shall be expanded pursuant to this Act and known as the Miccosukee Reserved Area.

(3) **GOVERNANCE OF AFFAIRS IN MICCOSUKEE RESERVED AREA.**—Subject to the provisions of this Act and other applicable Federal law, the Tribe shall govern its own affairs and otherwise make laws and apply those laws in the MRA as though the MRA were a Federal Indian reservation.

(b) **PERPETUAL USE AND OCCUPANCY.**—The Tribe shall have the exclusive right to use and develop the MRA in perpetuity in a manner consistent with this Act for purposes of the administration, education, housing, and cultural activities of the Tribe, including commercial services necessary to support those purposes.

(c) **INDIAN COUNTRY STATUS.**—The MRA shall be—

(1) considered to be Indian country (as that term is defined in section 1151 of title 18, United States Code); and

(2) treated as a federally recognized Indian reservation solely for purposes of—

(A) determining the authority of the Tribe to govern its own affairs and otherwise make laws and apply those laws within the MRA; and

(B) the eligibility of the Tribe and its members for any Federal health, education,

employment, economic assistance, revenue sharing, or social welfare programs, or any other similar Federal program for which Indians are eligible because of their—

(i) status as Indians; and

(ii) residence on or near an Indian reservation.

(d) **EXCLUSIVE FEDERAL JURISDICTION PRESERVED.**—The exclusive Federal legislative jurisdiction as applied to the MRA as in effect on the date of enactment of this Act shall be preserved. The Act of August 15, 1953, 67 Stat. 588, chapter 505 and the amendments made by that Act, including section 1162 of title 18, United States Code, as added by that Act and section 1360 of title 28, United States Code, as added by that Act, shall not apply with respect to the MRA.

(e) **OTHER RIGHTS PRESERVED.**—Nothing in this Act shall affect any rights of the Tribe under Federal law, including the right to use other lands or waters within the Park for other purposes, including, fishing, boating, hiking, camping, cultural activities, or religious observances.

## SEC. 6. PROTECTION OF EVERGLADES NATIONAL PARK.

(a) **ENVIRONMENTAL PROTECTION AND ACCESS REQUIREMENTS.**—

(1) **IN GENERAL.**—The MRA shall remain within the boundaries of the Park and be a part of the Park in a manner consistent with this Act.

(2) **COMPLIANCE WITH APPLICABLE LAWS.**—The Tribe shall be responsible for compliance with all applicable laws, except as otherwise provided by this Act.

(3) **PREVENTION OF DEGRADATION; ABATEMENT.**—

(A) **PREVENTION OF DEGRADATION.**—Pursuant to the requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Tribe shall prevent and abate degradation of the quality of surface or groundwater that is released into other parts of the Park, as follows:

(i) With respect to water entering the MRA which fails to meet applicable water quality standards approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), actions of the Tribe shall not further degrade water quality.

(ii) With respect to water entering the MRA which meets applicable water quality standards approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Tribe shall not cause the water to fail to comply with applicable water quality standards.

(B) **PREVENTION AND ABATEMENT.**—The Tribe shall prevent and abate disruption of the restoration or preservation of the quantity, timing, or distribution of surface or groundwater that would enter the MRA and flow, directly or indirectly, into other parts of the Park, but only to the extent that such disruption is caused by conditions, activities, or structures within the MRA.

(C) **PREVENTION OF SIGNIFICANT PROPAGATION OF EXOTIC PLANTS AND ANIMALS.**—The Tribe shall prevent significant propagation of exotic plants or animals outside the MRA that may otherwise be caused by conditions, activities, or structures within the MRA.

(D) **PUBLIC ACCESS TO CERTAIN AREAS OF THE PARK.**—The Tribe shall not impede public access to those areas of the Park outside the boundaries of the MRA, and to and from the Big Cypress National Preserve, except that the Tribe shall not be required to allow individuals who are not members of the Tribe access to the MRA other than Federal employees, agents, officers, and officials (as provided in this Act).

(E) **PREVENTION OF SIGNIFICANT CUMULATIVE ADVERSE ENVIRONMENTAL IMPACTS.**—

(i) **IN GENERAL.**—The Tribe shall prevent and abate any significant cumulative adverse environmental impact on the Park outside the MRA resulting from development or other activities within the MRA.

(ii) **PROCEDURES.**—Not later than 12 months after the date of enactment of this Act, the Tribe shall develop, publish, and implement procedures that shall ensure adequate public notice and opportunity to comment on major tribal actions within the MRA that may contribute to a significant cumulative adverse impact on the Everglades ecosystem.

(iii) **WRITTEN NOTICE.**—The procedures in clause (ii) shall include timely written notice to the Secretary and consideration of the Secretary's comments.

(F) **WATER QUALITY STANDARDS.**—

(i) **IN GENERAL.**—Not later than 12 months after the date of enactment of this Act, the Tribe shall adopt and comply with water quality standards within the MRA that are at least as protective as the water quality standards for the area encompassed by Everglades National Park approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(ii) **TRIBAL WATER QUALITY STANDARDS.**—The Tribe may not adopt water quality standards for the MRA under clause (i) that are more restrictive than the water quality standards adopted by the Tribe for contiguous reservation lands that are not within the Park.

(iii) **EFFECT OF FAILURE TO ADOPT OR PRESCRIBE STANDARDS.**—In the event the Tribe fails to adopt water quality standards referred to in clause (i), the water quality standards applicable to the Everglades National Park, approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), shall be deemed to apply by operation of Federal law to the MRA until such time as the Tribe adopts water quality standards that meet the requirements of this subparagraph.

(iv) **MODIFICATION OF STANDARDS.**—If, after the date of enactment of this Act, the standards referred to in clause (iii) are revised, not later than 1 year after those standards are revised, the Tribe shall make such revisions to water quality standards of the Tribe as are necessary to ensure that those water quality standards are at least as protective as the revised water quality standards approved by the Administrator.

(v) **EFFECT OF FAILURE TO MODIFY WATER QUALITY STANDARDS.**—If the Tribe fails to revise water quality standards in accordance with clause (iv), the revised water quality standards applicable to the Everglades Park, approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall be deemed to apply by operation of Federal law to the MRA until such time as the Tribe adopts water quality standards that are at least as protective as the revised water quality standards approved by the Administrator.

(G) **NATURAL EASEMENTS.**—The Tribe shall not engage in any construction, development, or improvement in any area that is designated as a natural easement.

(b) **HEIGHT RESTRICTIONS.**—

(1) **RESTRICTIONS.**—Except as provided in paragraphs (2) through (4), no structure constructed within the MRA shall exceed the height of 45 feet or exceed 2 stories, except that a structure within the Miccosukee Government Center, as shown on the map referred to in section 4(4), shall not exceed the height of 70 feet.

(2) **EXCEPTIONS.**—The following types of structures are exempt from the restrictions of this section to the extent necessary for the health, safety, or welfare of the tribal members, and for the utility of the structures:

(A) Water towers or standpipes.

(B) Radio towers.

(C) Utility lines.

(3) **WAIVER.**—The Secretary may waive the restrictions of this subsection if the Secretary finds that the needs of the Tribe for the structure that is taller than structure allowed under the restrictions would outweigh the adverse effects to the Park or its visitors.

(4) **GRANDFATHER CLAUSE.**—Any structure approved by the Secretary before the date of enactment of this Act, and for which construction commences not later than 12 months after the date of enactment of this Act, shall not be subject to the provisions of this subsection.

(5) **MEASUREMENT.**—The heights specified in this subsection shall be measured from mean sea level.

(c) **OTHER CONDITIONS.**—

(1) **GAMING.**—No class II or class III gaming (as those terms are defined in section 4 (7) and (8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703 (7) and (8)) shall be conducted within the MRA.

(2) **AVIATION.**—

(A) **IN GENERAL.**—No commercial aviation may be conducted from or to the MRA.

(B) **EMERGENCY OPERATORS.**—Takeoffs and landings of aircraft shall be allowed for emergency operations and administrative use by the Tribe or the United States, including resource management and law enforcement.

(C) **STATE AGENCIES AND OFFICIALS.**—The Tribe may permit the State of Florida, as agencies or municipalities of the State of Florida to provide for takeoffs or landings of aircraft on the MRA for emergency operations or administrative purposes.

(3) **VISUAL QUALITY.**—

(A) **IN GENERAL.**—In the planning, use, and development of the MRA by the Tribe, the Tribe shall consider the quality of the visual experience from the Shark River Valley visitor use area, including limitations on the height and locations of billboards or other commercial signs or other advertisements visible from the Shark Valley visitor center, tram road, or observation tower.

(B) **EXEMPTION OF MARKINGS.**—The Tribe may exempt markings on a water tower or standpipe that merely identify the Tribe.

(d) **EASEMENTS AND RANGER STATION.**—Notwithstanding any other provision of this Act, the following provisions shall apply:

(1) **NATURAL EASEMENTS.**—

(A) **IN GENERAL.**—The use and occupancy of the MRA by the Tribe shall be perpetually subject to natural easements on parcels of land that are—

(i) bounded on the north and south by the boundaries of the MRA, specified in the legal description under section 4(4); and

(ii) bounded on the east and west by boundaries that run perpendicular to the northern and southern boundaries of the MRA, as provided in the description under subparagraph (B).

(B) **DESCRIPTION.**—The description referred to in subparagraph (A)(ii) is as follows:

(i) Easement number 1, being 445 feet wide with western boundary 525 feet, and eastern boundary 970 feet, east of the western boundary of the MRA.

(ii) Easement number 2, being 443 feet wide with western boundary 3,637 feet, and eastern boundary 4,080 feet, east of the western boundary of the MRA.

(iii) Easement number 3, being 320 feet wide with western boundary 5,380 feet, and eastern boundary 5,700 feet, east of the western boundary of the MRA.

(iv) Easement number 4, being 290 feet wide with western boundary 6,020 feet, and eastern boundary 6,310 feet, east of the western boundary of the MRA.

(v) Easement number 5, being 290 feet wide with western boundary 8,170 feet, and eastern boundary 8,460 feet, east of the western boundary of the MRA.

(vi) Easement number 6, being 312 feet wide with western boundary 8,920 feet, and eastern boundary 9,232 feet, east of the western boundary of the MRA.

(2) **EXTENT OF EASEMENTS.**—The aggregate extent of the east-west parcels of lands subject to easements under paragraph (1) shall not exceed 2,100 linear feet, as depicted on the map referred to in section 4(4).

(3) **USE OF EASEMENTS.**—At the discretion of the Secretary, the Secretary may use the natural easements specified in paragraph (1) to fulfill a hydrological or other environmental objective of the Everglades National Park.

(4) **ADDITIONAL REQUIREMENTS.**—In addition to providing for the easements specified in paragraph (1), the Tribe shall not impair or impede the continued function of the water control structures designated as "S-12A" and "S-12B", located north of the MRA on the Tamiami Trail and any existing water flow ways under the Old Tamiami Trail.

(5) **USE BY DEPARTMENT OF THE INTERIOR.**—The Department of the Interior shall have a right, in perpetuity, to use and occupy, and to have vehicular and airboat access to, the Tamiami Ranger Station identified on the map referred to in section 4(4), except that the pad on which such station is constructed shall not be increased in size without the consent of the Tribe.

#### SEC. 7. IMPLEMENTATION PROCESS.

(a) **GOVERNMENT-TO-GOVERNMENT AGREEMENTS.**—The Secretary and the tribal chairman shall make reasonable, good faith efforts to implement the requirements of this Act. Those efforts may include government-to-government consultations, and the development of standards of performance and monitoring protocols.

(b) **FEDERAL MEDIATION AND CONCILIATION SERVICE.**—If the Secretary and the tribal chairman concur that they cannot reach agreement on any significant issue relating to the implementation of the requirements of this Act, the Secretary and the tribal chairman may jointly request that the Federal Mediation and Conciliation Service assist them in reaching a satisfactory agreement.

(c) **60-DAY TIME LIMIT.**—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 60 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance, unless the Secretary and the tribal chairman agree to an extension of period of time.

(d) **OTHER RIGHTS PRESERVED.**—The facilitated dispute resolution specified in this section shall not prejudice any right of the parties to—

(1) commence an action in a court of the United States at any time; or

(2) any other resolution process that is not prohibited by law.

#### SEC. 8. MISCELLANEOUS.

(a) **NO GENERAL APPLICABILITY.**—Nothing in this Act creates any right, interest, privilege, or immunity affecting any other Tribe or any other park or Federal lands.

(b) **NONINTERFERENCE WITH FEDERAL AGENTS.**—

(1) **IN GENERAL.**—Federal employees, agents, officers, and officials shall have a right of access to the MRA—

(A) to monitor compliance with the provisions of this Act; and

(B) for other purposes, as though it were a Federal Indian reservation.

(2) **STATUTORY CONSTRUCTION.**—Nothing in this Act shall authorize the Tribe or mem-

bers or agents of the Tribe to interfere with any Federal employee, agent, officer, or official in the performance of official duties (whether within or outside the boundaries of the MRA) except that nothing in this paragraph may prejudice any right under the Constitution of the United States.

(c) **FEDERAL PERMITS.**—

(1) **IN GENERAL.**—No Federal permit shall be issued to the Tribe for any activity or structure that would be inconsistent with this Act.

(2) **CONSULTATIONS.**—Any Federal agency considering an application for a permit for construction or activities on the MRA shall consult with, and consider the advice, evidence, and recommendations of the Secretary before issuing a final decision.

(3) **RULE OF CONSTRUCTION.**—Except as otherwise specifically provided in this Act, nothing in this Act supersedes any requirement of any other applicable Federal law.

(d) **VOLUNTEER PROGRAMS AND TRIBAL INVOLVEMENT.**—The Secretary may establish programs that foster greater involvement by the Tribe with respect to the Park. Those efforts may include internships and volunteer programs with tribal schoolchildren and with adult tribal members.

(e) **SAVING ECOSYSTEM RESTORATION.**—

(1) **IN GENERAL.**—Nothing in this Act shall be construed to amend or prejudice the authority of the United States to design, construct, fund, operate, permit, remove, or degrade canals, levees, pumps, impoundments, wetlands, flow ways, or other facilities, structures, or systems, for the restoration or protection of the South Florida ecosystem pursuant to Federal laws.

(2) **USE OF NONEASEMENT LANDS.**—

(A) **IN GENERAL.**—The Secretary may use all or any part of the MRA lands to the extent necessary to restore or preserve the quality, quantity, timing, or distribution of surface or groundwater, if other reasonable alternative measures to achieve the same purpose are impractical.

(B) **SECRETARIAL AUTHORITY.**—The Secretary may use lands referred to in subparagraph (A) either under an agreement with the tribal chairman or upon an order of the United States district court for the district in which the MRA is located, upon petition by the Secretary and finding by the court that—

(i) the proposed actions of the Secretary are necessary; and

(ii) other reasonable alternative measures are impractical.

(3) **COSTS.**—

(A) **IN GENERAL.**—In the event the Secretary exercises the authority granted the Secretary under paragraph (2), the United States shall be liable to the Tribe or the members of the Tribe for—

(i) cost of modification, removal, relocation, or reconstruction of structures lawfully erected in good faith on the MRA; and

(ii) loss of use of the affected land within the MRA.

(B) **PAYMENT OF COMPENSATION.**—Any compensation paid under subparagraph (A) shall be paid as cash payments with respect to taking structures and other fixtures and in the form of rights to occupy similar land adjacent to the MRA with respect to taking land.

(4) **RULE OF CONSTRUCTION.**—Paragraphs (2) and (3) shall not apply to a natural easement described in section 6(d)(1).

(f) **PARTIES HELD HARMLESS.**—

(1) **UNITED STATES HELD HARMLESS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B) with respect to any tribal member, tribal employee, tribal contractor, tribal enterprise, or any person residing within the MRA, notwithstanding any other provision

of law, the United States (including an officer, agent, or employee of the United States), shall not be liable for any action or failure to act by the Tribe (including an officer, employee, or member of the Tribe), including any failure to perform any of the obligations of the Tribe under this Act.

(B) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed to alter any liability or other obligation that the United States may have under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(2) **TRIBE HELD HARMLESS.**—Notwithstanding any other provision of law, the Tribe and the members of the Tribe shall not be liable for any injury, loss, damage, or harm that—

(A) occurs with respect to the MRA; and

(B) is caused by an action or failure to act by the United States, or the officer, agent, or employee of the United States (including the failure to perform any obligation of the United States under this Act).

(g) **COOPERATIVE AGREEMENTS.**—Nothing in this Act shall alter the authority of the Secretary and the Tribe to enter into any cooperative agreement, including any agreement concerning law enforcement, emergency response, or resource management.

(h) **WATER RIGHTS.**—Nothing in this Act shall enhance or diminish any water rights of the Tribe, or members of the Tribe, or the United States (with respect to the Park).

(i) **ENFORCEMENT.**—

(1) **ACTIONS BROUGHT BY ATTORNEY GENERAL.**—The Attorney General may bring a civil action in the United States district court for the district in which the MRA is located, to enjoin the Tribe from violating any provision of this Act.

(2) **ACTION BROUGHT BY TRIBE.**—The Tribe may bring a civil action in the United States district court for the district in which the MRA is located to enjoin the United States from violating any provision of this Act.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3055 clarifies the long standing rights of the Miccosukee Tribe of Indians of Florida to govern themselves within a small area at the northern edge of Everglades National Park while protecting the Everglades environment and restoration. The bill sets aside 667 acres for the use of the Miccosukee Tribe at the northern edge of the Everglades National Park along the Tamiami Trail where the Miccosukee Tribe currently lives with existing schools, government center, health clinic, police and gas stations, restaurant, many similar buildings, and over 100 homes.

H.R. 3055 represents along protracted series of negotiations between the Tribe and the administration, and the version before us is a true settlement of the issues involving the rights of the Tribe, Everglades National Park, Everglades restoration and clean water concerns.

This bill eliminates ambiguities which lead to unnecessary conflict, while both carrying out the original Congressional intent of the 1934 act

that the Indians shall be allowed to remain within the park and protecting the Everglades environment at the same time.

Madam Speaker, I urge my colleagues to support H.R. 3055.

Madam Speaker, I reserve the balance of my time.

Mr. MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3055. This bill differs in form, but not in substance, from the bill that was reported by the Committee on Resources, and I believe the bill as amended reflects changes agreed to by both the Tribe and the Department.

Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS), who has worked very long and hard on this legislation.

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Madam Speaker, I am proud to stand up today and speak on behalf of H.R. 3055, the Miccosukee Reserve Area Act. This is a very important bill which will carry out the long-standing intent of Congress in preserving and protecting the rights of the Miccosukee Tribe of Indians of Florida.

This bill has been truly a bipartisan effort with my Florida colleagues, the gentlewoman from Florida (Mrs. MEEK), the gentleman from Florida (Mr. DIAZ-BALART), the gentleman from Florida (Mr. FOLEY) and the gentleman from Florida (Mr. SCARBOROUGH) joining me as cosponsors. Additionally, the bill now enjoys the support of many other Members of the Florida delegation, and I appreciate their support of this legislation.

I also want to point out, Madam Speaker, how appreciative I am of the gentleman from Utah (Chairman HANSEN). He has been working with me since the 104th Congress to move this bill expeditiously, and I thank the gentleman, as I do the ranking member and their respective staffs, who have worked tirelessly with me and with the United States Senate in trying to bring this matter to a resolution.

Madam Speaker, these Native Americans seek nothing more than what we promised them when we passed the park bill in 1934, nothing more than what was said on the floor of this House, nothing more than the Department of the Interior confirmed in the special use permit.

In 1960, Supreme Court Justice Hugo Black wrote, "Great nations, like great men, should keep their promise." With this bill, we will keep our promise to these Native Americans, to these fellow citizens of the United States. They deserve nothing less. I urge all of our colleagues to support the Miccosukee Reserve Area Act.

Madam Speaker, I am proud to stand up today and speak on behalf of H.R. 3055—The Miccosukee Reserved Area Act. This is a very

important bill which will carry out the long-standing intent of Congress in preserving and protecting the rights of the Miccosukee Tribe of Indians of Florida.

This bill has been a truly bipartisan effort, with my Florida colleagues Congresswoman CARRIE MEEK and Congressmen LINCOLN DIAZ-BALART, MARK FOLEY, and JOE SCARBOROUGH joining me as cosponsors. Additionally, the bill now enjoys the support of many other Members of the Florida delegation and I appreciate their support of this legislation. I also want to point out, Madam Speaker, how appreciative I am of Chairman HANSEN. He has been working with me since the 104th Congress to move this bill expeditiously.

This legislation allows for the good people of the Miccosukee Tribe to live in perpetuity in the so-called permit area of Everglades National Park. The Miccosukees have lived and worked for literally hundreds of years in this area. The rights of the Miccosukees are recognized by the Everglades National Park Enabling Act of 1934 and their special use permit.

In 1934, the Everglades National Park Enabling Act specifically provided that rights of the Indians were protected. Subsequently, in 1962, and 1973, the tribe was guaranteed that they could build homes, schools, clinics, and other tribal buildings in the 300-plus acres identified in their special use permit.

The intent of the Congress in 1934 was to guarantee the Indians the freedom to live, work, and govern themselves as they wish in this area, not to be governed by the National Park Service. This bill will allow for Miccosukee self-government to continue and prosper.

Madam Speaker, it is important to point out that this bill enjoys not only bipartisan support, but bicameral support as well. A companion bill has been sponsored in the Senate by Senator CONNIE MACK and is supported by Senator BOB GRAHAM. Additionally, we have worked tirelessly with the Administration to garner their support as well. I am pleased that Secretary Babbitt has visited the area at the heart of this bill and that he, too, agrees that it is necessary and worthy legislation. We have worked with the Transportation and Infrastructure Committee to make sure all of their concerns were addressed. In short, Madam Speaker, this has been an inclusive process from the very beginning and because of that we have a substantive, important bill that all sides see as meaningful and necessary.

Finally, Madam Speaker, let me say that I take a great deal of pride in the fact that South Florida's premier environmental organization—Friends of the Everglades—endorses this legislation. It was important to not only have the support of the tribe and the politicians, but also the support of the local environmental community who is most acutely aware of the challenges facing our fragile South Florida ecosystem.

Madam Speaker, these native Americans seek nothing more than what we promised them when we passed the park bill in 1934, nothing more than was said on the floor of this House, nothing more than the Department of the Interior confirmed in the special use permit.

In 1960, Justice Hugo Black wrote, "Great nations, like great men, should keep their promise." With this bill, we keep our promise to these native Americans, to these fellow citizens of the United States.

They deserve nothing less.

I urge all of my colleagues to support The Miccosukee Reserved Area Act.

Mr. MILLER of California. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3055, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. HANSEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3055, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

#### PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1998

Mr. HANSEN. Madam Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2117) to authorize the construction of the Perkins County Rural Water System and to authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2117

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Perkins County Rural Water System Act of 1998".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are insufficient water supplies of reasonable quality available to the members of the Perkins County Rural Water System located in Perkins County, South Dakota, and the water supplies that are available do

not meet minimum health and safety standards, thereby posing a threat to public health and safety;

(2) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(3) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101-294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation;

(4) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project; and

(5) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Perkins County Rural Water System, Inc., members is the waters of the Missouri River as delivered by the Southwest Pipeline Project in North Dakota.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the members of the Perkins County Rural Water Supply System, Inc., in Perkins County, South Dakota;

(2) to assist the members of the Perkins County Rural Water Supply System, Inc., in developing safe and adequate municipal, rural, and industrial water supplies; and

(3) to promote the implementation of water conservation programs by the Perkins County Rural Water System, Inc.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.", as amended in March 1995.

(2) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(3) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines to the point of delivery of water by the Perkins County Rural Water System to each entity that distributes water at retail to individual users.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

(5) WATER SUPPLY SYSTEM.—The term "water supply system" means the Perkins County Rural Water System, Inc., a nonprofit corporation, established and operated substantially in accordance with the feasibility study.

#### SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the Federal share of the costs of—

(1) the planning and construction of the water supply system; and

(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate mu-

nicipal, rural, and industrial water supplies, mitigation of wetlands areas, repairs to existing public water distribution systems, and water conservation in Perkins County, South Dakota.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the Federal share under section 10.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report and a plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

#### SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

#### SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Perkins County Rural Water System, Inc.;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

#### SEC. 7. NO LIMITATION ON WATER PROJECTS IN STATES.

This Act does not limit the authorization for water projects in South Dakota and North Dakota under law in effect on or after the date of enactment of this Act.